

***IN THE DISTRICT COURT OF THE UNITED STATES
for the Western District of New York***

**JULY 2022 GRAND JURY
(Impaneled 07/29/2022)**

THE UNITED STATES OF AMERICA INDICTMENT

-vs-

LAY WAH

Violations:

Title 18, United States Code,
Sections 922(g)(1), 922(o)(1),
924(c)(1)(A), 924(c)(1)(B)(ii); and
Title 21, United States Code,
Sections 841(a)(1)
(4 Counts and 2 Forfeiture Allegations)

COUNT 1

(Possession with Intent to Distribute Fentanyl)

The Grand Jury Charges That:

On or about March 13, 2023, in the Western District of New York, the defendant,
LAY WAH, did knowingly and intentionally possess with intent to distribute 40 grams or
more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-
phenylethyl)-4-piperidinyl] propanamide (fentanyl), a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT 2

(Possession of Machinegun in Furtherance of a Drug Trafficking Crime)

The Grand Jury Further Charges That:

On or about March 13, 2023, in the Western District of New York, the defendant,
LAY WAH, in furtherance of a drug trafficking crime for which the defendant may be

prosecuted in a court of the United States, that is, a violation of Title 21, United States Code, Section 841(a)(1), committed in the manner set forth in Count 1 of this Indictment, the allegations of which are incorporated herein by reference, did knowingly possess, a machinegun, namely, one (1) Glock Model 17, 9mm Luger caliber, semiautomatic pistol, bearing serial number AGCC155, equipped with a conversion device.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 924(c)(1)(B)(ii).

COUNT 3

(Possession of a Machinegun)

The Grand Jury Further Charges That:

On or about March 13, 2023, in the Western District of New York, the defendant, **LAY WAH**, did knowingly possess a machinegun, as defined in Title 26, United States Code, Section 5845(b), that is, one (1) Glock Model 17, 9mm Luger caliber, semiautomatic pistol, bearing serial number AGCC155, equipped with a conversion device, knowing and being aware of the essential characteristics of the firearm which made it a machinegun.

All in violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2).

COUNT 4

(Felon in Possession of a Firearm and Ammunition)

The Grand Jury Further Charges That:

On or about March 13, 2023, in the Western District of New York, the defendant, **LAY WAH**, knowing that he had previously been convicted on or about December 14, 2020, in Erie County Court, Buffalo, New York, of a crime punishable by imprisonment for a term exceeding one year, unlawfully did knowingly possess, in and affecting commerce,

a firearm, namely, one (1) Glock Model 17, 9mm Luger caliber, semiautomatic pistol, bearing serial number AGCC155, and ammunition, namely, thirty-one rounds of 9mm Luger cartridges.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

FIRST FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of any of the offenses alleged in this Indictment, the defendant, **LAY WAH**, shall forfeit his right, title, and interest to the United States in the firearm and ammunition involved in or used in the commission of the offenses, or found in the possession or under the immediate control of the defendant at the time of arrest, including, but not limited to:

- a. One (1) Glock Model 17, 9mm Luger caliber, semiautomatic pistol, bearing serial number AGCC155, recovered by law enforcement on or about March 13, 2023; and
- b. Ammunition, namely, thirty-one rounds of 9mm Luger cartridges, recovered by law enforcement on or about March 13, 2023.

All pursuant to Title 18, United States Code, Sections 924(d)(1) and 3665, and Title 28, United States Code, Section 2461(c).

SECOND FORFEITURE ALLEGATION

The Grand Jury Further Alleges That:

Upon conviction of Count 1 of this Indictment, the defendant, **LAY WAH**, shall forfeit to the United States any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violation, and any and all property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such

violations, including, but not limited to:

CURRENCY:

The sum of four thousand, five-hundred and forty dollars (\$4,540.00) United States currency, seized by law enforcement officers on or about March 13, 2023.

VEHICLE:

One 2016 Mercedes Benz S550 bearing New York registration KBD3415, VIN: WDDUG8FB0GA220723, registered to Lay Wah and seized by law enforcement on or about March 13, 2023.

All pursuant to Title 21, United States Code, Sections 853(a)(1) and 853(a)(2).

DATED: Buffalo, New York, June 14, 2023.

TRINI E. ROSS
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A TRUE BILL:

S/FOREPERSON
FOREPERSON